(4)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 925 /2007

PETITIONER

Smt Krishna Bai, W/o. Dukalu Lodhi, Aged about 59 years, R/o. Koni, Bilaspur, Tahsil & District Bilaspur (C.G.)

P.R. No. 1164/07 Ankit Agrawal
Presented on 5/12/07

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through the Principal Secretary, Department of Public Works, Mantralaya, D.K.S Bhawan Raipur (C.G.).

2. The Superintending Engineer, Department of Public Works, Bilaspur Division, Bilaspur (C.G.)

3. The Sub Divisional Officer, Public Works Department, Sub Division 1,2&3 Bilaspur (C.G.)

CERTIFIED COPY 5/12/07 CLERK TO A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ORDER/DIRECTION IN NATURE OF WRITS OF MANDAMUS, CERTIORARY OR ANY OTHER WRIT OR LIKE NATURE

The Petitioners most humbly beg to submit as under :-

(32)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 925 of 2007

Petitioner : Smt. Krishna Bai

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. Ashok Soni, Advocate for the petitioner.
Ms. Deepali Pandey, Panel Lawyer for the State/respondents.

O R D E R

(Passed on this 19th Day of February, 2007)

1. By this petition, learned counsel appearing for the petitioner submits that the petitioner was employed on 1.1.1974 as Work charged employee and the petitioner, who has worked for more than 30 years as Gangman seeks a relief that the petitioner being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.')56.

2. According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee the

(33)

petitioner would retire on attainting the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Learned counsel appearing for the petitioner would submits that the case of the petitioner is squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters.

4. Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioner.

5. The respondents are at liberty to consider the facts of the case asto whether the petitioners have completed 15 years of service as gangman. In the event, it is found that they have completed 15 years of service, the case shall be governed by the decision of this Court in Govind Vs. State of Chhattisgarh and others (supra).

6. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash